

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

DOUGLAS I. HORNSBY, Administrator  
of the Estate of CYNTHIA GARY,

Plaintiff,

v.

Case No.: 2:22cv427

UNITED STATES OF AMERICA, *et al.*,

Defendants.

**ADVANCED INTEGRATED TECHNOLOGIES'S  
ANSWER TO AMENDED COMPLAINT**

Defendant Advanced Integrated Technologies, LLC (“AIT” by and through its undersigned attorneys, answering the Amended Complaint, on information and belief:

1. AIT admits that Plaintiff has asserted a claim for wrongful death aboard the USS McFaul and the relevant incident occurred on navigable waters. The remaining allegations of Paragraph 1 are denied.

2. Paragraph 2 contains legal conclusions to which no response is required. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 2, and therefore they are denied.

3. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 3, and therefore they are denied.

4. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 4, and therefore they are denied.

5. AIT admits that NASSCO was the prime contractor responsible for the work on the McFaul, but AIT is without sufficient information to admit or deny the remaining factual allegations of Paragraph 5, and therefore they are denied.

6. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 6, and therefore they are denied.

7. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 7, and therefore they are denied.

8. Paragraph 8 contains legal conclusions to which no response is required. AIT admits that is a Virginia company with an office in Norfolk. AIT denies the remaining allegations of Paragraph 8.

9. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 9, and therefore they are denied.

10. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 10, and therefore they are denied.

11. Paragraph 11 only contains legal conclusions to which no response is required.

12. Paragraph 12 only contains legal conclusions to which no response is required.

13. Paragraph 13 only contains legal conclusions to which no response is required.

14. Paragraph 14 only contains legal conclusions to which no response is required.

15. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 15, and therefore they are denied.

16. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 16, and therefore they are denied.

17. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 17, and therefore they are denied.

18. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 18, and therefore they are denied.

19. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 19, and therefore they are denied.

20. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 20, and therefore they are denied.

21. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 21, and therefore they are denied.

22. Admitted

23. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 23, and therefore they are denied.

24. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 24, and therefore they are denied.

25. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 25, and therefore they are denied.

26. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 26, and therefore they are denied.

27. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 27, and therefore they are denied.

28. AIT is without sufficient information to admit or deny the factual allegations of Paragraph 28, and therefore they are denied.

29. AIT incorporates its previous responses to Paragraphs 1-28.

30. The allegations of Paragraph 30 are not directed and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

31. The allegations of Paragraph 31 are not directed and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

32. The allegations of Paragraph 32 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

33. The allegations of Paragraph 33 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

34. The allegations of Paragraph 34 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

35. AIT incorporates its previous responses to Paragraphs 1-34.

36. The allegations of Paragraph 36 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

37. The allegations of Paragraph 37 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

38. The allegations of Paragraph 38 are not at AIT directed and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

39. The allegations of Paragraph 39 are not at AIT directed and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

40. AIT incorporates its previous responses to Paragraphs 1-39.

41. The allegations of Paragraph 41 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

42. The allegations of Paragraph 42 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

43. The allegations of Paragraph 43 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

44. The allegations of Paragraph 44 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

45. The allegations of Paragraph 45 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

46. AIT incorporates its previous responses to Paragraphs 1-45.

47. Denied as alleged against AIT.

48. Denied as alleged against AIT.

49. Denied as alleged against AIT.

50. AIT incorporates its previous responses to Paragraphs 1-49.

51. The allegations of Paragraph 51 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

52. The allegations of Paragraph 52 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

53. The allegations of Paragraph 53 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

54. The allegations of Paragraph 54 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

55. The allegations of Paragraph 55 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

56. The allegations of Paragraph 56 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

57. The allegations of Paragraph 57 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

58. The allegations of Paragraph 58 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

59. AIT incorporates its previous responses to Paragraphs 1-59.

60. The allegations of Paragraph 60 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

61. The allegations of Paragraph 61 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

62. The allegations of Paragraph 62 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

63. AIT incorporates its previous responses to Paragraphs 1-62.

64. The allegations of Paragraph 64 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

65. The allegations of Paragraph 65 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

66. The allegations of Paragraph 66 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

67. The allegations of Paragraph 67 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

68. The allegations of Paragraph 68 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

69. The allegations of Paragraph 69 are not directed at AIT and therefore AIT is not required to respond, to the extent a response is required, AIT is without sufficient information to admit or deny the allegations, and therefore they are denied.

70. AIT incorporates its previous responses to Paragraphs 1-69.

71. Denied.



**AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief may be granted against Defendant.

2. Plaintiff's claim is precluded, in whole or in part, to the extent decedent's damages, if any, were caused by decedent's own acts and/or omissions.

3. Plaintiff's claims may be precluded, in whole or in part, to the extent Plaintiff's damages, if any, were caused by third parties over whom Defendant had no control or authority.

WHEREFORE, Defendant Advanced Integrated Technologies, LLC respectfully demands judgment against the Plaintiff dismissing the Amended Complaint in its entirety together for such other, further or different relief, not inconsistent herewith, as may be just, equitable and proper, together with the costs and disbursements of this action.

Dated: April 12, 2023

ADVANCED INTEGRATED TECHNOLOGIES, LLC

/s/ Dustin M. Paul

Edward J. Powers (VSB No. 32146)  
Dustin M. Paul (VSB No. 75287)  
Allison M. Mentch (VSB No. 97115)  
WOODS ROGERS VANDEVENTER BLACK PLC  
101 West Main St. Suite 500  
Norfolk, Virginia, 23510  
757-446-8600 (Telephone)  
757-446-8670 (Fax)  
[Edward.Powers@wrvblaw.com](mailto:Edward.Powers@wrvblaw.com)  
[Dustin.Paul@wrvblaw.com](mailto:Dustin.Paul@wrvblaw.com)  
[Alli.Mentch@wrvblaw.com](mailto:Alli.Mentch@wrvblaw.com)  
*Counsel for Defendant, Advanced  
Integrated Technologies, LLC*